

Shari Amster (SA4963)
325 Chestnut Street
Suite 1109
Philadelphia, Pennsylvania 19106
Tel.: (267) 475-7401
samster@amsterlaw.net
Attorney for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MAXLITE, INC. a New Jersey corporation, f/k/a SK AMERICA, INC., d/b/a MAXLITE,) Case No. 2:15-cv-01116
Plaintiff,) DECLARATION OF ERIC CAI IN SUPPORT OF DEFENDANTS'
v.) OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION PURSUANT TO FED. R. CIV. P. 65
ATG ELECTRONICS, INC., JAMES D. STEEDLY, SOPHIA C. GALLEHER, AND MATTHEW KIM,) Complaint filed: February 12, 2015
Defendants.)

I, Eric Cai, state as follows:

1. I make this declaration in support of Defendants' opposition to MaxLite's motion for a preliminary injunction.

2. I am over the age of 18 and, if called as a witness, I could and would competently testify to the following facts, all of which are within my personal knowledge.

3. I am a resident of California. I do not do any work in New Jersey and have no contacts with New Jersey other than those limited contacts set forth in my Declaration.

4. I am the Executive Director for ATG Electronics, Inc.'s ("ATG") United States operations. ATG is an LED lighting manufacturing corporation. The company is, and always has been, a California corporation with its principal place of business and primary distribution center at 9020 Rancho Park Court, in Rancho Cucamonga, California, within jurisdiction of the United States District Court for the Central District of California.

5. I have reviewed the Verified Complaint (the "Complaint") filed by MaxLite against ATG and found that MaxLite misrepresents the ATG business model and our position in the Supply Chain of the LED industry.

6. Founded in 2001, ATG is and always has been solely committed to the research, design and development of LED lighting products. Before LED technology became a commercially viable option for lighting fixtures, ATG specialized in the LED signage and ribbon lighting. ATG later invested in the design and development of LED tubes and LED lighting fixtures. Unlike MaxLite, who started its business in, and has a strong reputation in, fluorescent lighting technology, ATG has always been fully committed to manufacturing LED lighting products.

7. ATG is a manufacturer of LED lighting products. In addition to its California office, ATG operates two ISO9001 certified manufacturing factories in China. ATG has spent substantial time, money and resources in building a business model that allows us to design, develop and manufacture LED products.

8. MaxLite, on the other hand, does not manufacture any lighting products, whether fluorescent products or LED products. Instead MaxLite is a reseller of

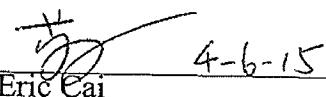
fluorescent and LED lighting fixtures. It purchases these products from manufacturers with facilities in China and Korea.

9. MaxLite claims in this action that ATG competes directly with MaxLite in the LED lighting market. That is not true. Because ATG is a manufacturer, its principal competitors are other LED manufacturers, not resellers like MaxLite. Although ATG does peripherally compete with industry participants at the distributor level, MaxLite is a potential customer of ATG, not a competitor.

10. Contrary to the MaxLite's claims, ATG has no access nor has ATG ever used any MaxLite confidential or proprietary information. Neither I, nor anyone from ATG has had any access to, any "confidential proprietary information," including, but not limited to, customer lists, price lists, research or technology development, information relating to MaxLite's existing contracts, product lists, design specifications, design requests, product information, or any other material that does – or might – belong to MaxLite.

11. Moreover, because ATG manufactures its own products, ATG has no interest in developing relationships with MaxLite's vendors and manufacturers. They are our competitors and MaxLite is one of our potential customers. It is not one of our competitors.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed this 6~~8~~ day of April, 2015 in Rancho Cucamonga, California.



4-6-15
Eric Cai